

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREENLIGHT ORGANIC, INC., et al.,

Defendants.

Case No. [17-cv-00005-MEJ](#)

**ORDER FINDING AS MOOT MOTION  
TO DISMISS; VACATING CASE  
MANAGEMENT CONFERENCE**

Re: Dkt. No. 14


Pending before the Court is the Motion to Dismiss filed by Defendants. Dkt. No. 14. However, on March 8, 2017, Plaintiff filed an Amended Complaint. Dkt. No. 16. Under Federal Rule of Civil Procedure 15, a party may amend its pleading once “as a matter of course” within “21 days after service of a motion under Rule 12(b), (e), or (f).” Fed. R. Civ. P. 15(a)(1)(B). “[T]he general rule is that an amended complaint supercedes the original complaint and renders it without legal effect . . . .” *Lacey v. Maricopa Cty.*, 693 F.3d 896, 927 (9th Cir. 2012) (en banc). As Plaintiff had not previously amended its Complaint and filed the Amended Complaint within 21 days after Defendants served the motion to dismiss, Plaintiff could file an amended complaint as a matter of course under Rule 15(a).

Further, “[d]ismissal of the superseded original complaint would not alter the proceedings . . . as the parties would continue to litigate the merits of the claims contained in the now-operative First Amended Complaint.” *See Liberi v. Defend Our Freedoms Founds., Inc.*, 509 F. App’x 595, 596 (9th Cir. 2013) (dismissing as moot appeal of denial of an anti-SLAPP motion regarding a superseded complaint). Since the Motion to Dismiss is based on the original complaint, the Court hereby DENIES the Motion as moot. Defendants shall file an answer or other responsive pleading no later than March 30, 2017. No further amendments may be made without seeking leave of Court pursuant to Rule 15 and Civil Local Rule 7.

1 The Court also vacates the Initial Case Management Conference scheduled for April 6,  
2 2017, and associated deadlines. The Court will reschedule the Conference after the pleadings are  
3 settled.

4 **IT IS SO ORDERED.**

5 Dated: March 9, 2017

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8 MARIA-ELENA JAMES  
9 United States Magistrate Judge  
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United States District Court  
Northern District of California